

**IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

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CIVIL ACTION NO. \_\_\_\_\_

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JULIAN ASCIONE

V.

SIGMA ALPHA EPSILON, TEXAS RHO CHAPTER  
HOUSE CORPORATION, BRENT BECHTOL, SIGMA ALPHA  
EPSILON, TEXAS RHO CHAPTER AND JACK FERRUZZO

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**DEFENDANTS' NOTICE OF REMOVAL**

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TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW Defendants Sigma Alpha Epsilon, Texas Rho Chapter House Corporation and Brent Bechtol, (collectively "Defendants"), who make and files this their Notice of Removal of the claims brought against them by Julian Ascione, Plaintiff herein, and in support whereof would respectfully show unto the Honorable Court as follows:

**I.**

**Procedural History**

1. The instant suit was filed in Cause No. 2024-02078 in the 270<sup>TH</sup> Judicial District Court of Harris, Texas on January 11, 2024. Defendants were served with Citation and a copy of Plaintiff's Original Petition on January 25, 2024.

**II.**

**Documents Required to be Provided**

2. In support of their Notice of Removal, Defendants rely on the arguments and authorities made herein and on the following evidence attached hereto, which includes the documents required by L.R. CV-81:

- Exhibit A all executed process in the case as of the date of removal;
- Exhibit B.1 Plaintiff's Original Petition  
B.2 Defendant, Brent Bechtol's Original Answer  
B.3 Defendant, Sigma Alpha Epsilon, Texas Rho Chapter House Corporation's Original Answer  
B.4 Defendant, Jack Ferruzzo's Original Answer  
B.5 Defendant, Sigma Alpha Epsilon, Texas Rho Chapter's Original Answer
- Exhibit C the trial court's docket sheet;
- Exhibit D an index of matters being filed; and
- Exhibit E a list of counsel.

3. Defendants affirmatively aver that there are no orders signed by the judge of the state court at the time of this removal.

### **III.**

#### **Nature of the Suit**

4. The Plaintiff sued Defendants and the other defendants, claiming they are liable for injuries he purportedly suffered when he was allegedly attacked by members of a fraternity. Exhibit B.1. None of the persons allegedly involved in the alleged assault have been sued; instead, the Plaintiff alleges premise liability and negligence claims against all of the Defendants collectively. *Id.*

### **IV.**

#### **Grounds for Removal**

5. This suit is being removed pursuant to 28 U.S.C. § 1332(a)(2), so-called "alienage jurisdiction," which gives federal courts jurisdiction over suits brought by citizens of a foreign state against citizens of a State when the amount in controversy exceeds \$75,000. Here, the amount in controversy is claimed by the Plaintiff in his pleading to be between one and five million dollars, Exhibit B, ¶ 2, and the Plaintiff (who admits to having neither a driver's license nor a social security number, *Id.*, ¶ 3) is, on information and belief, an alien citizen of Australia, present in the United

States on a student visa. The Defendants are all correctly said to be citizens of Texas. *Id.*, ¶¶ 4-7. Accordingly, the Court has jurisdiction over this case pursuant to 28 U.S.C. § 1332(a)(2).

**V.**

**Matters Related to Removal**

6. Defendants aver they have written consent of all other Defendants in this suit to this removal.
7. This removal is timely, being within the thirty-day period allowed by 28 U.S.C. § 1446(b).
8. Venue is proper in this district pursuant to 28 U.S.C. § 1446(a) because this district and division embrace the place in which the removed action has been pending, and because one or more of the Defendants live or have their office in the district.
9. Pursuant to 28 U.S.C. § 1446(d), Defendants have, simultaneously with this filing, filed a copy of this Notice of Removal with the clerk of the state court where it had been pending, and has provided notice of this removal to all parties and counsel of record.
10. For these reasons, Defendants hereby remove the Plaintiff's state court suit against it to the Court on the 6<sup>th</sup> day of February, 2024.

Respectfully Submitted,

CASHIOLA LAW FIRM

**/s/ Randal G. Cashiola**

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**ATTORNEY FOR DEFENDANTS,  
SIGMA ALPHA EPSILON, TEXAS RHO  
CHAPTER HOUSE CORPORATION  
AND BRENT BECHTOL**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 6<sup>th</sup> day of February, 2024, a copy of the foregoing document has been served via e-filing through CM/ECF on the following attorneys of record:

Clay Rawlings  
Keith Hampton  
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**/s/ Randal G. Cashiola**  
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